



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Sim, Gee-Kee
Yang, Shumin
Dreitz, Matthew J.
Wonderling, Ramani S.

U.S. Patent No.: 6,482,403 B1

Issue Date: November 19, 2002

Serial No.: 09/451,527

Filing Date: December 1, 1999

Atty. File No.: IM-2-C2

For: "CANINE IL-13 IMMUNOREGULATORY
PROTEINS AND USES THEREOF"

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In accordance with 35 U.S.C. § 256 and 37 CFR § 1.324, Applicants hereby petition that the above-referenced issued U.S. Patent be amended to delete as inventors Gek-Kee Sim, having a residence of 543 Franklin Street, Denver, CO 80218; Matthew J. Dreitz, having a residence of 6187 View Point Ave., Firestone, CO 80504; and Ramani S. Wonderling, having a residence of 1325 S. White Oak Dr. Apt # 1718, Waukegan, IL 60085.

Inventorship for this patent should now read:

Shumin Yang

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OFFICE OF PETITIONS

) Group Art Unit: 1633

) Examiner: Kaushal, Sumesh

) PETITION TO CORRECT
) INVENTORSHIP UNDER

) 37 CFR 1.324

) APR 19 2004

) OFFICE OF PETITIONS

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE
IS BEING DEPOSITED WITH THE U.S. POSTAL
SERVICE AS FIRST CLASS MAIL ADDRESSED TO
MAIL STOP PETITION, COMMISSIONER FOR
PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA
22313-1450. THIS 25 DAY OF February
2004.

HESKA CORPORATION

By:

Susan A. Gordon

Susan A. Gordon

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Applicants have included the following with this petition:

- (1) a statement from three of the four current named inventors agreeing to the change in inventorship;
- (2) documentation of Gek-Kee Sim's (currently named as an inventor) refusal to cooperate with the assignee on this matter;
- (3) a statement from the assignee agreeing to the change in inventorship;
- (4) a copy of the executed assignment;

Applicants authorize the petition fee of \$130 as required under 37 CFR§ 1.17(i) to be charged to Deposit Account 081930.

The Examiner is invited to contact the undersigned should any issues remain.

Respectfully submitted,

Dated: February 25, 2004

By: _____

Richard J. Stern
Richard J. Stern, Ph.D.
Registration No. 50,668
Heska Corporation
1613 Prospect Parkway
Fort Collins, Colorado 80525
Telephone: (970) 493-7272
Facsimile: (970) 491-9976

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) Group Art Unit: 1633

)
) Examiner: Kaushal, Sumesh

) STATEMENT OF AGREEMENT
) REGARDING CHANGE IN
) INVENTORSHIP

) Under 37 CFR 1.324(b)(2)

CERTIFICATE OF MAILING	
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, THIS <u>25</u> DAY OF <u>February</u> <u>2003</u> - <u>2004</u> .	
By:	<u>Susan A. Gordon</u> HESKA CORPORATION Susan A. Gordon

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The undersigned hereby states he agrees with the amendments removing Gek-Kee Sim,
Ramani S. Wonderling and Mathew J. Dreitz as inventors and naming Shumin Yang as sole
inventor in the above referenced issued U.S. Patent.

Respectfully submitted,

Dated: October 24, 2003

By: [Signature]
Shumin Yang, Ph.D.

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AND USES THEREOF"

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The undersigned hereby states he agrees with the amendments removing Gek-Kee Sim, Ramani S. Wonderling and Mathew J. Dreitz as inventors and naming Shumin Yang as sole inventor in the above referenced issued U.S. Patent.

Respectfully submitted,

Dated: Nov 15, 2003

By: Matthew J. Dreitz
Matthew J. Dreitz

) Group Art Unit: 1633
)

) Examiner: Kaushal, Sumesh
)

) STATEMENT OF AGREEMENT
) REGARDING CHANGE IN
) INVENTORSHIP

) Under 37 CFR 1.324(b)(2)
)

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HESKA CORPORATION

By: Susan A. Gordon
Susan A. Gordon

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In Re the Application of:

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For: "CANINE IL-13
 IMMUNOREGULATORY PROTEINS
 AND USES THEREOF"

Group Art Unit: 1633

Examiner: Kaushal, Sumesh

STATEMENT OF AGREEMENT
REGARDING CHANGE IN
INVENTORSHIP

Under 37 CFR 1.324(b)(2)

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 AS FIRST CLASS MAIL ADDRESSED TO
 COMMISSIONER FOR PATENTS, P.O. BOX 1450,
 ALEXANDRIA, VIRGINIA 22313-1450, THIS 25 DAY
 OF February ~~2003~~ 2004.

HESKA CORPORATION

By: Susan A. Gordon

Susan A. Gordon

Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Dear Sir:

The undersigned hereby states she agrees with the amendments removing Gek-Kee Sim,
 Ramani S. Wonderling and Mathew J. Dreitz as inventors and naming Shumin Yang as sole
 inventor in the above referenced issued U.S. Patent.

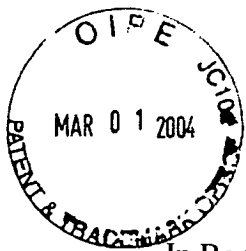
Respectfully submitted,

Dated: November 8, 2003

By: Ramani S. Wonderling
 Ramani S. Wonderling, Ph.D.

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Wonderling, Ramani S.

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OFFICE OF PETITIONS

) Group Art Unit: 1633

) Examiner: Kaushal, Sumesh

APR 19 2004

OFFICE OF PETITIONS

PETITION PURSUANT TO
37 CFR §1.47 (a)

U.S. Patent No.: 6,482,403 B1

Issue Date: November 19, 2002

Serial No.: 09/451,527

Filing Date: December 1, 1999

Atty. File No.: IM-2-C2

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By: <u>Susan A. Gordon</u>	HESKA CORPORATION Susan A. Gordon

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 CFR§ 1.47(a), the Assignee hereby petitions for acceptance of the enclosed Petition to Correct Inventorship without a Statement of Agreement Regarding Change In Inventorship signed by one of the currently listed inventors. Applicants state that Gek-Kee Sim refuses to discuss any issues or sign any documents related to this patent. In support of this petition, attached is a Declaration of Richard J. Stern and accompanying Exhibits. These documents set forth the pertinent facts and chronicle that despite the diligent efforts made by the Assignee to present Gek-Kee Sim with a letter describing the reason for the change in inventorship along with a Statement of Agreement Regarding Change In Inventorship, Dr. Sim has refused to cooperate on this matter. Even after successfully contacting Dr. Sim by telephone

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in an effort to give voice to her concerns, she refuses to cooperate with the Assignee on this matter.

The Examiner is invited to contact the undersigned should any issues remain.

Respectfully submitted,

Dated: February 25, 2004

By: Richard J. Stern

Richard J. Stern, Ph.D.
Registration No. 50,668
Heska Corporation
1613 Prospect Parkway
Fort Collins, Colorado 80525
Telephone: (970) 493-7272
Facsimile: (970) 491-9976

13. On January 23, 2004, a copy of the email message described in paragraph 12 was sent by Certified Mail to Dr. Sim at the address listed in paragraph 3. This package was received and signed for by Dr. Sim on January 27, 2004. A copy of the Return Receipt is attached as Exhibit I.

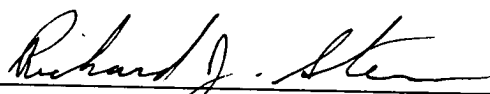
14. On January 23, 2004, I successfully contacted Dr. Sim at the telephone number listed in paragraph 3. During our conversation Dr. Sim made it clear she has no interest or intention to cooperate with Heska on this matter. An email summarizing our conversation is attached as Exhibit J.

15. Since the telephone conversation, I have not heard from Dr. Sim, either by telephone, email or U.S. mail. In addition, I do not know of anyone else at Heska Corporation who has received any response, inquiry or instructions from Dr. Sim pertaining to the above-referenced application.

I understand that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the subject application or any patent resulting therefrom. I declare that all of the foregoing statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

Respectfully submitted,

Dated: February 25, 2004



Richard J. Stern, Ph.D.
Registration No. 50,668
Heska Corporation
1613 Prospect Parkway
Fort Collins, Colorado 80525
Telephone: (970) 493-7272
Facsimile: (970) 491-9976